

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BARRY S. SPILLER,

Plaintiff,

v.

No. CV 10-584 JB/LAM

STATE OF NEW MEXICO, et al.,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's *Motion to Proceed In Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915 (Doc. 2)*, *Correction to Order to Cure Deficiency (Doc. 5)* (which contains Plaintiff's inmate account statement), and *Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 9)*. The filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Based on the information about Plaintiff's financial status, the court finds that Plaintiff is unable to make an initial partial payment pursuant to § 1915(b)(1). If Plaintiff fails to comply with this order, the civil rights complaint **may be dismissed without prejudice without further notice.**

IT IS THEREFORE ORDERED that Plaintiff's *Motion to Proceed In Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915 (Doc. 2)* and *Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 9)* are **GRANTED**, and the initial partial payment is **WAIVED**;

IT IS FURTHER ORDERED that Plaintiff shall file monthly financial certificates and make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the payment should be excused; and the Clerk is directed to provide Plaintiff with two copies of the post-filing financial certificate.

IT IS SO ORDERED.



THE HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE